

BILL NO. Z-73-08--20

ZONING ORDINANCE NO. Z- 19-73

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R2 district under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof, and the symbols of the City of Fort Wayne Zoning Map No. CC14 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lots 21 through 37, and Lots 44 through 61, Elzey's Fourth to Waynedale Addition.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Virginia J. Schmidt
Councilman

APPROVED AS TO FORM
AND LEGALITY.

[Signature]
CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 8/14/73

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed (~~later~~) by the following vote:

	AYES <u>9</u>	NAYS _____	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	<u>✓</u>	_____	_____	_____	_____
HINGA	<u>✓</u>	_____	_____	_____	_____
KRAUS	<u>✓</u>	_____	_____	_____	_____
MOSES	<u>✓</u>	_____	_____	_____	_____
NUCKOLS	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>✓</u>	_____	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 10-9-73

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. 2-19-73 on the 9th day of October, 1973.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Wm. H. C. W. Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1973, at the hour of 11:00 clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 12th day of October, 1973, at the hour of 11:05 o'clock A. M., E.S.T.

Jan H. Pearson
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 14, 1973, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-73-08-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

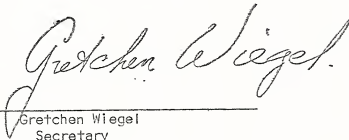
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 17, 1973;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 24, 1973.

Certified and signed this
2nd day of October, 1973.



Gretchen Wiegel
Secretary

*Held for
study*

Bill No. B-73-08-20

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Reglautions to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. CC14

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance 26 PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

John Nuckols
Vivian G. Schmidt
William T. Hinga
Paul M. Burns
DJ Schmidt

CONCURRED IN
DATE 10-9-73 CHARLES W. WESTERMAN, CITY CLERK

HOFFMAN, MOPPERT, SOLOMON, MILLER & THOMPSON

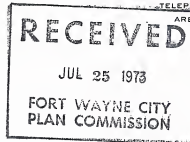
ATTORNEYS AT LAW

JOHN E. HOFFMAN
EDWARD J. MOPPERT
JAMES R. SOLOMON
LARRY T. MILLER
ROBERT L. THOMPSON
ROBERT J. SCHMOLL, JR.

SUITE 1212 ANTHONY WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802

JOHN C. HOFFMAN (1980)

July 24, 1973



Mr. Gary Baeton
City Plan Commission
8th Floor City-County Building
Fort Wayne, Indiana 46802

RE: Petition to Rezone Lot 49, Elzey's Fourth Addition,
located on the South side of Rehm Drive, approximately
480 feet East of Bluffton Road, from "R-1" to "R-2"

Public Hearing: Held last November 20, 1972

Dear Gary:

Pursuant to your request and suggestion, we have now obtained the signatures of the majority of the "R-1" lot owners, on both the North and South sides of Rehm Drive, between Bluffton Road and Koester Drive.

As you recall, the Plan Commission has held under advisement, the Petition of the Golden's for the Rezoning of Lot 49, above-captioned, and while they recognize that that Lot should be "R-2", they felt that the entire street should be "R-2" and accordingly the enclosed Petition is submitted, if, for nothing else, to show that the majority of Lot owners on both sides of said Street, believe and desire that said real estate on both sides of the Street should be rezoned from "R-1" to "R-2"; you will recall that there are numerous prior non-conforming uses, of an "R-2" or lower, on said Street.

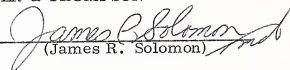
I trust that the enclosure will permit the Commission to file a Petition on its own Motion, pursuant to the 47 Enabling Acts Authority, to rezone both sides of Rehm Drive, Lots 21 through 37 and Lots 44 through 61, Elzey's Fourth Addition to Waynedale Addition, from "R-1" to "R-2", or to consider the enclosure and amendment to the Petition heretofore filed, and permit another public hearing thereon, without the necessity of a new filing fee.

Please advise your thinking on this matter.

Yours very truly,

HOFFMAN, MOPPERT, SOLOMON,
MILLER & THOMPSON

BY


(James R. Solomon)

JRS:mdb

cc Mr. and Mrs. Claude O. Golden
2303 Rehm Drive

TQ: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____
Intended Use _____

~~I/We~~, the undersigned,

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R-1 District to a/an R-2 District the property described as follows:

Lots 21 through 37, and Lots 44 through 61, Elzey's Fourth to-Waynedale

Addition

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

see attached sheet

(Name)

(Address)

(Signature)

Legal Description Checked By: _____

(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:
(James R. Solomon)

Hoffman, Moppert, Solomon, 1212 Anthony Wayne
Miller & (Name) Thompson (Address)

423-3331
(Telephone Number)

City Plan Commission, City-County Building, Room 800, One Main Street,
Fort Wayne, Indiana 46802 Telephone Number 423-7571

LOT NO.SignatureStreet Address

Lots 21 and 22

Chas E. Thomas
(Charles E. Thomas)
Maryde Thomas
(Thomas)

2202 Rehm

Lot 23

Vigil Schaefer
(Schaefer)

Victor Schaefer 2204 Rehm
(Schaefer)

Lot 24

(Ray E. Huyghe)

Lot 25

Ray E. Huyghe
(Thomas L. Strauss)

Lot 26

gone

~~Thomas L. Strauss~~

(Doris I. Childress)

Lot 27

Doris I. Childress 2210 Rehm Dr
(Margaret Gronson)

Lots 28, 29, 30, 31

(Harnish)

Bettie + Joseph DeRemer 2216 Rehm Dr
(Harnish)

Lot 32

(Korte)

Mr Paul W. Korte 2302 Rehm Dr
(Mr Paul Korte) Korte - 2302 Rehm Dr

Lot 33

Mrs
(Cunnington)

moved

(Cunnington)

Lot 34 and E 1/2

Lot 35

Edward E. Edward
(Mark Merrill)

Edward E. Edward
(Nina Merrill) 2311 Rehm Dr

W 1/2 Lot 35 and

Lot 36

Mrs Paul W. Levy 2204 Rehm Dr
(Paul W. Levy)

Mrs Paul W. Levy
(Levy)

Lot 37

Oct 2 state
(Jack E. Osmun)

1

(Norma J. Osmun)

LOT NO.

Signature

Address

Lot 44

Walter A. Kiefer
(Kiefer)
Wanita Kiefer
(Kiefer)

Lot 45

Webb
(Webb)
Webb 2311 Rehm Dr.

Lot 46

James A. Grivett 2309 Rehm Dr.
(Grivett)
Ruth M. Grivett 2309 Rehm Dr.
(Grivett)

Lot 47

(Howard C. Keller)

Lot 48

Howard C. Berry 2307 Rehm Dr.
(James Berry)

Lot 49

(Live Out of state) Berry)

(Claude O. Golden)
Claude O. Golden
(Zelma J. Golden)

2303 Rehm Dr.

Lot 50

Zelma J. Golden
(Brindle)

Wilbur Brindle 2219 Rehm Dr.
(Brindle)

Lot 51

Glenn L. Fisher
(Glenn L. Fisher)
Viola E. Fisher
(Fisher)

Lot 52

(Hughes)

Lot 53

Ethel Ringwalt 2213 Rehm Dr.
(Ringwalt)

(Ringwalt)

Lot 54 and
Lot 55

Helma Burkhart 2211 1/2 Rehm Dr.
(Burkhart)

(Burkhart)

Lot No.

Signature

Address

56

(Herbert Bultemeier)

(Bultemeier)

Lot 57

(Jerry A. Gross, Trustee)

Lot 58

(Mary Hodson) 2203

Lot 59

(M. M. Baumgartner) 2203

Lot 60

(Nicholas Litwinko) 2121

(Litwinko)

Lot 61

(Vernell T. Gearhart)

(Gearhart)

Number assigned by Dave Keller's office: # 3209

DIGEST SHEET

3-73-08-20

TITLE OF ORDINANCE Zoning Map Amendment OrdinanceDEPARTMENT REQUESTING ORDINANCE City Plan CommissionSYNOPSIS OF ORDINANCE Preparation of a Zoning Map Amendment OrdinancePetition initiated by property owners to rezone property located as follows:Lots 21 through 37, and Lots 44 through 61, Flzey's Fourth to Waynedale Addition.General Description:The north and south sides of Pehm Drive, generally located 180 feet east of
Bluffton Road, extending east to Koester Drive.EFFECT OF PASSAGE Pehm Drive will go from One family residential
to two family residentialEFFECT OF NON-PASSAGE Pehm Drive will remain one family residentialMONEY INVOLVED (Direct Costs, Expenditures, Savings) NoneASSIGNED TO COMMITTEE (J.N.) REGWCU



CITY OF FORT WAYNE
CITY-COUNTY BUILDING
ONE EAST MAIN STREET
FORT WAYNE, INDIANA 46802

CHARLES W. WESTERMAN
CITY CLERK

October 19, 1973

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates October 22 and October 29, 1973, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana for the
following ordinances:

General Ordinance No. G-25-73
Amending the master plan of the
City of Fort Wayne by authorizing
the vacation of four lots in Woodlawn
Park.

Zoning Map Ordinance No. Z-17-73
Amending the City of Fort Wayne
Zoning Map No. DD-13

Zoning Map Ordinance No. Z-18-73
Amending the City of Fort Wayne
Zoning Map No. AA7, AA9.

Zoning Map Ordinance No. Z-19-73
Amending the City of Fort Wayne
Zoning Map No. CC14.

Annexation Ordinance No. X-01-73
Annexing certain territory to the City
of Fort Wayne and including the same in
Councilmanic District No.

Please send us four (4) copies of the Publisher's Affidavit.

Thank you.

Sincerely,

CWW/ne
ENCL: 5

Charles W. Westerman
City Clerk

Common Council, City Fort Wayne
(Governmental Unit)

To.....NEWS-SENT INEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)	_____
— number of equivalent lines	_____
Head number of lines	_____
Body number of lines	<u>79</u>
Tail number of lines	<u>2</u>
Total number of lines in notice	<u>81</u>

COMPUTATION OF CHARGES

<u>81</u> lines, <u>1</u> columns wide equals.....equivalent lines at..... <u>288¢</u>	\$ <u>23.33</u>
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	_____
Charge for extra proofs of publication (50 cents for each proof in excess of two) (<u>2</u>)	<u>1.00</u>
TOTAL AMOUNT OF CLAIM	\$ <u>24.33</u>

DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type..... <u>5 1/2</u> point
Number of insertions..... <u>two</u>	Size of quad upon which type is cast..... <u>5 1/2</u>

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date 10-31-73, 19

Title.....Clerk.....

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that she is Clerk of the

NEWS-SENT INEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:October 22 and October 29, 1973Subscribed and sworn to before me this 30th day of October, 1973

Notary Public

My commission expires March 8th, 1974

Notice is hereby given that on the 9th day of October, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-19-73 Zoning Map Ordinance, to-wit:

BILL NO. Z-19-73
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC14, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R2 district under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof, and the symbols of the City of Fort Wayne Zoning Map No. CC14 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lots 21 through 37, and Lots 44 through 61, Elzey's Fourth to Wayneville Addition.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

VIVIAN G. SCHMIDT

Read the third time in full and on motion by NUCKOLS, seconded by V. Schmidt, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-9-73 CHARLES W. WESTERMAN
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-19-73 on the 9th day of October, 1973.

ATTEST:
CHARLES W. WESTERMAN
City Clerk
WINFIELD C. MOSES, JR.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1973, at the hour of 11:00 o'clock, A.M., E.S.T.

CHARLES W. WESTERMAN
City Clerk
Approved and signed by me this 12th day of October, 1973, at the hour of 11:35 o'clock A.M., E.S.T.

IVAN A. LEBAMOFF

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Z-19-73 Zoning Map Ordinance No. Z-19-73 passed by the Common Council on the 9th day of October, 1973, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of October, 1973 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of October, 1973.

CHARLES W. WESTERMAN
CITY CLERK

Common Council, City Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

79

2

81

COMPUTATION OF CHARGES

81 lines, 1 columns wide equals equivalent lines at .2884 cents per line

\$ 23.33

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) (2)

1.00

TOTAL AMOUNT OF CLAIM

\$ 24.33

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions two

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date 10-30-73, 19

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

October 22 and October 29, 1973

Subscribed and sworn to before me this 30th day of October 1973

My commission expires March 8th, 1974

Notary Public

Notice is hereby given that on the 9th day of October, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-19-73, Zoning Map Ordinance, to-wit:

BILL NO. Z-19-73
ZONING ORDINANCE NO. Z-19-73
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC14, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R2 district under the terms of Chapter 35, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 235 and amendments thereof, and the symbols of the City of Fort Wayne Zoning Map No. CC14 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

VIVIAN G. SCHMIDT

Read the third time in full and on motion by NUCKOLLS, seconded by V. G. Schmidt, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Moses, Nuckolls, D. Schmidt, V. Schmidt, Siler, Toleric
Nays: None

Date: 10-9-73 CHARLES W. WESTERMAN

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-19-73 on the 9th day of October, 1973.

ATTEST:

CHARLES W. WESTERMAN

City Clerk

WINFIELD C. MOSES, JR.

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1973, at the hour of 11:00 o'clock, A.M., E.S.T.

CHARLES W. WESTERMAN

City Clerk

Approved and signed by me this 10th day of October, 1973, at the hour of 11:05 o'clock A.M., E.S.T.

IVAN A. LEBAMOFF

Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Z-19-73 Zoning Map Ordinance No. Z-19-73 passed by the Common Council on the 9th day of October, 1973, and that said Ordinance was duly signed and approved by the Mayor on the 10th day of October, 1973 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of October, 1973.

CHARLES W. WESTERMAN

CITY CLERK